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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,897	08/20/2003	John M. Page	10030674-1	4661

7590 05/25/2006

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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Loveland, CO 80537-0599

EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,897

Applicant(s)

PAGE, JOHN M.

Examiner

Quoc D. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5, 8-9, 13-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Connor (6,477,492).

Consider claim 1, Connor teaches a system, comprising: a voice quality tester (VQT) generating a calling signal over a network; and an automated voice responder unit (VRU), *the automated VRU configured as an autonomous VRU* without any external I/O control (*i.e., automatic*) performing a port setup and a call control and waiting for the calling signal from the VQT across the network under test, and performing functions allowing the VQT server to conduct voice quality tests on the network (col. 3 lines 44-67).

Consider claim 2, Connor teaches wherein the VQT and the autonomous VRU operate synchronously without a control connection with the autonomous VRU (col. 3 lines 55-67).

Consider claim 5, Connor teaches wherein, upon receipt of the calling signal, the autonomous VRU and the VQT establish a communication circuit through the network (col. 4 lines 55-66).

Consider claim 8, Connor teaches a system, comprising: a voice quality tester (VQT) generating a calling signal over a network; and an automated voice responder unit (VRU), *the automated VRU configured as an autonomous VRU* without any external I/O control, except through the network, performing a port setup and a call control and waiting for the calling signal from a voice quality tester (VQT) client/server, synchronizing with the VQT server, and performing functions allowing the VQT server to conduct voice quality tests of the network, wherein the autonomous VRU and the VQT comprise a first task list and a second task list, respectively (col. 3 lines 44-67; col. 4 lines 1-12).

Consider claim 9, Connor teaches wherein the first task list of the autonomous VRU applies port setup and a call control and waits for the calling signal from the VQT server to set-up a communication circuit between the autonomous VRU and the VQT server through the network (col. 3 lines 44-67).

Consider claim 13, Connor teaches a method of an autonomous VRU connected to a network, comprising: without any external I/O control, except through the network, performing a port setup and a call control and waiting for a calling signal from a voice quality tester (VQT), and performing functions allowing the VQT server to conduct voice quality tests of the network (col. 3 lines 44-67).

Consider claim 14, Connor teaches the method further comprising: without any external I/O control, upon receipt of the phone call, serially executing a task list comprising functions to allow the VQT to perform the voice quality tests of the network, and, once the voice quality tests are completed, waiting for another phone call from the VQT to again perform the functions in the task list (col. 3 line 55 – col. 4 line 12).

Consider claim 16, Connor teaches the method further comprising: upon receipt of the calling signal and without any external I/O control, except through the network, establishing a communication circuit between the autonomous VRU and the VQT through the network (col. 4 lines 55-66).

Consider claim 17, Connor teaches the method further comprising: without any external I/O control, except through the network, receiving and storing a waveform as a reference file from the VQT across the network, and outputting the received waveform back to the VQT server, which receives and records the waveform as a test file, wherein the reference and test files are compared using to determine voice quality measures comprising MOS, delay, echo, and/or attenuation of the network (col. 4 line 55 – col. 5 line 6).

Consider claim 18, Connor teaches the system further comprising: without any external I/O control, except through the network, operating synchronously with the VQT to exclude a control connection (col. 3 lines 55-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4, 6-7, 10-12, 15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connor (6,477,492) in view of Tomberlin (2002/0110153).

Consider claims 3, 11-12 and 19, Connor et al did not clearly suggest wherein the VQT and the autonomous VRU are synchronized using an In-band synchronization by passing tone

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pulses back and forth between the autonomous VRU and the VQT in a prescribed pattern of tone and silence until the autonomous VRU and the VQT are synchronized. However, Tomberlin suggested such (§ 0022-0023, 0075). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Tomberlin into view of Connor in order to provide a more accurate measurement.

Consider claims 4, 10 and 20, Connor et al did not clearly suggest the system further comprising: a VQT responder, wherein the VQT comprises at least one of first VQT server and a second VQT server, and the autonomous VRU comprises at least one of a first autonomous VRU and a second autonomous VRU, where the first autonomous VRU is operatively connected to the first VQT server through the network to allow the first VQT server to generate an echo score of the network without any external I/O control, and the second autonomous VRU is operatively connected to the VQT responder through the network to allow the VQT responder to determine a roundtrip delay by providing a loop back signal of the network without any external I/O control. However, Tomberlin suggested such (§ 0011, 0024). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Tomberlin into view of Connor in order to provide a more accurate measurement.

Consider claim 6, Connor teaches wherein when the VQT server outputs a waveform as a reference file, across the communication circuit, the autonomous VRU receives and stores the waveform and outputs the received waveform back to the VQT server, which receives and records the waveform as a test file, where the reference and test files are compared using to determine voice quality measures comprising MOS, delay, echo, and/or attenuation of the network (col. 4 line 55 – col. 5 line 6).

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Consider claim 7, Connor teaches wherein the VQT determines that the problem exists from the VQT to the autonomous VRU when the reference file matches the test file from the VRU or that the problem exists from the autonomous VRU to the VQT when the reference file does not match the test file from the VRU (col. 5 lines 26-40).

Consider claim 15, Connor did not clearly suggest the method further comprising: without any external I/O control, except through the network, waiting for a synchronization signal from the VQT, and automatically performing a series of predefined states to synchronize the autonomous VRU with the VQT server upon receipt of the synchronization signal over the network. However, Tomberlin suggested such (§ 0022-0023, 0075). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Tomberlin into view of Connor in order to provide a more accurate measurement.

Response to Arguments

5. Applicant's arguments filed 3/8/2006 have been fully considered but they are not persuasive.

Regarding applicant argument that Connor fails to disclose “an autonomous VRU without any external I/O control, performing port set up and a call control”. Accordingly, the examiner respectfully disagrees with applicant arguments. Connor teaches an automated testing system for testing the perceptual distortion of prompts from the voice response system (i.e., VRU) (see Title). Col. 3 of Connor recite, “A telephone call is made to the VRS 12 using the VQT platform 34. The DTMF tones 44 are automatically generated by the signal generator node 36 and the returning VRS prompts 40 are automatically recorded by signal recording node 38.

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Systems for automatically generating a phone off-hook condition, generating DTMF tones and recording voice signals on telephone lines are well known and are therefore not described in further detail". This implies that the test setup as well as generating the test telephone call is performed *automatically*. That is, *without any human intervention*. Therefore, Connor clearly read on applicant limitation as claimed.

Important Notice

6. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to ***Group Art Unit 2614***.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

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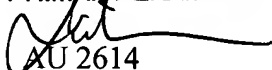
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QUOCTRAN
PRIMARY EXAMINER


XU 2614

May 21, 2006